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particularly Marseilles and Montpellier; of the Flemish cities and of the Hansa. He gives a specially interesting account of the fairs held in Champagne. So far as the East is concerned, he shows that after the close of the Crusades the island of Cyprus, then ruled by princes of the house of Lusignan, became the chief center of trade. At its capital, Famagusta, the great cities of Italy, France and Spain had their quarters, and to it came merchants from all parts of the Orient. The statement is made that in the fourteenth century it exceeded in importance either Constantinople or Venice. The comparative unimportance of English trade during the Middle Age is referred to, while attention is called to the early growth of trading companies (that of the Steel Yard, the Merchants of the Staple, the Lombards, *etc.*), and the appearance of a strongly exclusive national spirit in that country. The commercial history of the period closes with the occupation of the eastern coasts of the Mediterranean by the Turks. Communication with the Orient was thus cut off and the trade of Venice began to decline. It was necessary to seek another route to the East Indies, and already the Portuguese were reaching out toward the south with some such purpose in view. When their object was accomplished, and the Spanish opened the way to the New World, the modern era in the history of commerce began.

In the preparation of this work M. Noël has confined himself almost exclusively to secondary authorities. He has summarized existing knowledge. But he has done it in a pleasing way, and has produced a useful book. It contains several plates and elaborate maps.

HERBERT L. OSGOOD.

England and Rome. A History of the Relations between the Papacy and the English State and Church from the Norman Conquest to the Revolution of 1688. By T. DUNBAR INGRAM, LL.D. London and New York, Longmans, Green & Co., 1892.
— 430 pp.

The question, how far is the Church of England old and how far is she new, has been discussed often and at length. Was the papal supremacy over England during the Middle Age anything more than an idea, an empty claim? Was it successfully asserted, or did the national will ever submit to it? Was the church of Henry VIII and Elizabeth essentially different from the church of Alfred, of Henry II, of Edward III? English lawyers, whether in preambles to

statutes or in decisions from the bench, have usually answered these questions in the negative. This is the trend of Coke's argument in the *Institutes*, while the mediaeval lawyers strongly affirmed national independence. This in fact they did throughout Europe. In the preamble to Elizabeth's Act of Supremacy it was declared to be a statute "restoring to the crown the ancient jurisdiction over the state, ecclesiastical and spiritual." In the famous Caudrey's Case (Coke's Reports, pt. v.) the judges made an elaborate attempt to support this view by historic evidence. English church historians have adopted much the same line of argument, while Mr. Gladstone has repeatedly affirmed that schism did not begin in England till after Pope Pius V published his bull deposing Elizabeth (1570).

Mr. Ingram's book is apparently an effort to prove Mr. Gladstone's proposition. When discussing Irish history the two are far from an agreement, but when it comes to the English Church they are — or used to be — harmonious. Mr. Ingram discusses the subject throughout in a narrow legal spirit, as if he held a brief from the Anglican against the Catholic. What Stubbs and other investigators have proved as to the national independence of the Anglo-Saxon Church he claims to be true of the centuries which followed the proclamation of universal papal supremacy. But he goes even farther than they when he affirms (page 13) that there were no separate ecclesiastical courts prior to the Conquest. He admits that during the anarchy of Stephen's reign and the period from the submission of John to the death of Henry III, the church was subject to the papacy; but the events of those years he excludes from the list of valid precedents. He reviews the history at length for the purpose of showing that no legate *a latere* was allowed to enter England except with the permission of the king and after giving assurance that he would attempt nothing contrary to the royal will; that, except in testamentary and matrimonial cases, no appeals to Rome, strictly speaking, were permitted without the consent of the king; that in the holding of councils, in appointments and translations, the church and crown were equally independent of the papacy. He lays great stress on the letters of Paschal II, which affirm that during the reign of Henry I appeals were not allowed and there was little intercourse with Rome. Still there is evidence that legates published canons in England even during this reign. He makes much of the Hackington case, of which Gervase of Canterbury gives so long an account, in order to show that after

Henry II, in consequence of his reconciliation with the pope in 1172, had partially abandoned the Constitutions of Clarendon, appeals were not allowed and legates were not admitted. He will not allow that the decrees of popes and councils ever had force in England unless they were accepted by the kings (page 63). He believes the success of the anti-papal legislation of the fourteenth century—the Statutes of Provisors and Praemunire—to have been so great, that thenceforward the influence exerted by the pope in England was “a purely moral one, due to the respect felt for him as spiritual head of the church.” Throughout this and his subsequent discussion Mr. Ingram holds consistently to the distinction between ecclesiastical and spiritual supremacy. He simply contends that the king exercised the former, while control in faith and morals, enforced by church censures alone, was left to the popes and the clergy.

Coming to the sixteenth century, Mr. Ingram argues that Henry VIII aimed only to assert to the full the ecclesiastical supremacy which his predecessors had enjoyed. In order to maintain his strictly legal view, the author makes the events of that reign hinge not upon the divorce, but upon the alleged encroachments of Wolsey, as papal legate, on the liberties of the church. Following the Calendars of State Papers, he lays great stress on the fact that at the desire of the king the powers which legates exercised *de jure* were withheld both from Wolsey and Campeggio in the bull of 1518. Then, ignoring entirely the bulls of succeeding years, which prolonged the exclusive legatine authority of Wolsey and expanded it to unexampled fullness (Rymer, XIII, pp. 734, 739; XIV, 239, 240, 241, 243 *et seq.*, 291), Mr. Ingram asserts that the cardinal

never had a special commission from the pope such as was granted to legates *a latere*, except when, at the end of his career . . . , he was appointed conjointly with Campeggio to hear and determine in England the case of Henry’s marriage. [Page 149.]

Furthermore, no mention is made of the fact, which appears in the text of the decrees themselves, that the powers exercised by Wolsey between 1521 and 1529 were bestowed at the intercession of the king.

After having used the authorities in this way, it is comparatively easy for Mr. Ingram to make it appear that Wolsey grossly violated the Statutes of Provisors and Praemunire and that his punishment was just. That, according to his view, is all there was of it. The articles of the indictment express the whole truth. Mr. Ingram does not consider the divorce an element of any weight

in the question. He is consistent in making only a brief reference to it. The virtuous king, who has been sitting idly by while for a decade his chief minister was grossly violating some of the most important statutes of the realm and oppressing the subjects, suddenly realizes what has been going on, brings the minister to justice, includes the whole body of the clergy in guilt with him because they had tolerated the encroachment, and reassumes the full ecclesiastical authority. The church remained orthodox. Under such treatment the English reformation becomes easy to understand, but it loses most of its meaning, and the king all that is characteristic in his personality.

Soon after the commencement of Elizabeth's reign the popes began what the author calls their "thirty years' war against England." During this they labored by every mode of open and covert attack to destroy the queen and her supporters. Mr. Ingram goes at length into the history of the conspiracies of that period, for the purpose of showing that it was these which destroyed the papal sentiment in England, prevented it from sharing in the Catholic revival, and made the nation permanently Protestant. The ruin of the Catholics in England was completed by the insistence of the popes throughout the seventeenth century upon their power to depose princes and by their refusal to allow Catholics to swear allegiance to Protestant sovereigns. The way was opened for relief acts only when in 1778 the English Catholics acknowledged the title of the House of Hanover to the crown and declared their "unalterable attachment to the cause and welfare of this our common country." In his treatment of this part of the subject the author's statements will meet with more general assent.

Insistence upon the strength of national feeling as opposed to extreme papal claims is justifiable in treating of the history of mediæval England. The best of the kings shared in and encouraged it. But their will was often thwarted or ignored. Many of the monarchs acted in collusion with the popes, thus nullifying the effect of the anti-papal legislation. This clearly appears in the history of the Statutes of Provisors and Praemunire. There was an interlacing of jurisdictions which was both important and characteristic of the age. Relations were not as clear cut as Mr. Ingram would have us believe, and this becomes evident as soon as one goes behind the mere words of the statute or dictum of the judge, and studies the real life of the clergy.

HERBERT L. OSGOOD.